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Public Hearing Date:	September 12, 2006
Land Use Action Date:	November 7, 2006
Board of Aldermen Action Date:	November 20, 2006
90-Day Expiration Date:	December 11, 2006

TO: Board of Aldermen

FROM: Michael Kruse Director of Planning and Development
Nancy Radzeich, Chief Planner
Robert Merryman, Senior Planner

DATE: September 8, 2006

SUBJECT: Petition #283-06 DIMITRIOUS DELIGIANNIDES, TRUSTEE, HELLENIC GOSPEL CHURCH petition to install a non-illuminated free-standing sign, and to amend the site plan for the previously-granted Special Permit #271-02 for an enlargement of a non-conforming use at 187 CHURCH STREET, Ward 1, NEWTON CORNER on land known as Sec.12, Blk. 13, Lot 14 containing approximately 26,875 s.f. of land in a district zoned Multi Residence 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioner is proposing to replace an existing 38.4 sq. ft. free-standing sign with a 40.4 sq. ft. illuminated free-standing sign and to replace an existing wall sign with a non-illuminated wall sign. The petitioner is seeking a special permit to allow for the proposed free-standing sign to the maximum 20 sq. ft. requirement and the secondary sign to exceed the 10 sq. ft. requirement established within Sec. 30-20(1).

The subject property is improved with an historic "H.H. Richardson" Church and currently contains eight multi-denominational congregations. The signage is proposed in order to identify these congregations.

I. ELEMENTS OF THE PETITION

The petitioner is proposing to replace an existing 38.4 sq. ft. free-standing sign with a 40.4 sq. ft. illuminated free-standing sign at 187 Church Street. The existing free-standing sign was installed in 1959, through a by-right building permit, and, as such, it pre-dates the City's sign regulations. The petitioner is also proposing to replace an existing 23 sq. wall sign at the main entrance to the church.

The proposed free-standing sign will be 7.16 ft. wide x 6.13 high and is designed to set on 5 ft. high posts. Although the total height of sign will be 11.33 ft., there is currently a 5 high hedge around the parking area, adjacent to the location of the sign, such that the bottom edge of the sign will appear to sit just above the top of the hedge when viewed from the public way. The proposed free-standing sign will be a double-faced, cabinet sign. The submitted plans depict a blue background with white lettering.

This sign will be illuminated through a lighted hood element that will project the lighting down onto the front face of the sign. The hood element includes a 6" overhang to shield the lights. The sign will be located in the same location as the existing free-standing sign that is setback approximately 9.91 ft. from Centre Street and 20 from Church Street.

The proposed secondary sign will replace an existing secondary sign, just above the main entrance to the church. Both the existing and the proposed secondary signs are 23 sq. ft. in area. The petitioner is not proposing to illuminate the secondary wall sign.

The subject property is located one block south of the Newton Corner commercial district, at the corner of Church and Centre Streets, and is improved with an historic church, designed by H.H. Richardson circa 1885, which is utilized by eight multi-denominational congregations, along with a 25 stall parking facility, which was constructed in 1991. The proposed free-standing sign is designed to identify the property as the "Newton Corner Worship Center" and the eight individual congregations. The secondary sign will serve to mark the main entrance to the church building.

The petitioner presented their proposed signage plans to the Urban Design and Beautification Commission for review. The plans filed with Board of Aldermen incorporate the Commission's suggestions related to scale, readability, and unobtrusive lighting. The Commission noted that the slightly larger free-standing sign and replacement wall sign were appropriate for the site.

II. ZONING RELIEF BEING SOUGHT

Based on the Chief Zoning Code Official's written zoning determination, dated August 8, 2006 (SEE ATTACHMENT "A"), the petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:

- > Section 30-20(1), to allow for a special permit for exceptions to the maximum permitted 20 sq. ft. size limitation for free-standing signs and 10 sq. ft. size limitation for wall signs for churches, schools and other institutional uses, on each street frontage, in residence districts, as established in Section 30-20(e)(3);***
- > Section 30-21(b), to allow for the extension/alteration of a non-conforming sign (structure) to allow for an approximate 2 sq. ft. increase in size of the existing 38.4 sq. ft. legal, non-conforming free-standing sign to 40.4 square feet, where the existing***

non-conforming sign already exceeds the 35 sq. ft. maximum free-standing sign area that may be permitted by special permit, as established in Section 30-20(l).

- > Section 30-23, for approval of the site plan, identifying the sign locations, and approval of the building elevation, pertaining to the placement of the sign band for the wall sign; and*
- > Section 30-24(d) for Special Permit approval of applicable exceptions.*

HI. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board of Aldermen should consider the following:

- > Whether the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest; and*
- > Whether the location or size of the sign will have any adverse impacts on the neighborhood and/or will pose any visibility issues for pedestrians or traffic exiting or entering the site.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The subject property is located at 187 Church Street, in Newton Corner. The site is improved with an approximately 3-story church, designed by H.H. Richardson circa 1885, and is located within the Farlow and Kenricks Parks National Historic District. The site also includes a 25 stall parking lot, which was constructed in 1991, and an existing free-standing sign, which was permitted by-right in 1959. The Hellenic Gospel Church owns the property and utilizes the church along with seven other congregations. The parking lot has an entrance on Church Street and an exit on Centre Street. The existing and proposed free-standing sign is located at the corner of Church and Centre Streets on a landscaped island on the edge of the parking lot. The existing and proposed secondary sign is located over the main church entrance facing Church Street.

B. Neighborhood

The subject property is located in Newton Corner, in an area zoned Multi-Residence 1. The immediate neighborhood consists of the abutting Eaton & MacKay Funeral Home (to the north), the Eliot Church (immediately across Centre Street to the east) and many two-family and multi-family residences.

The property is located approximately 1 block south of the edge of the Newton Corner commercial district, which includes a mix of office, retail, and approximately two blocks south of the Newton Corner Rotary at the Mass Turnpike. Commercial uses include: the Newton Corner Mart, Signal Graphics Printing, C&N Pizza, Gleason's Flowers, Lily Day Spa, Newton Elks, and a vacant retail space on the corner.

V. ANALYSIS

A. Technical Considerations, Sec.30-20(1) – Free-standing Sign

The following table compares the proposed free-standing sign for a religious use in a Multi Residence 1 District with the requirements of the City's sign regulations, Section 30-20 of the Revised Ordinances:

Free-Standing Sign	Ordinance	Existing	Proposed
Maximum Permitted Sign Area (on each Street Frontage): By Right [Sec. 30-20(e)(3)] By Special Permit [Sec. 30-20(1)]	20 sq. ft. ¹ 35 sq. ft. ²	38.4 sq. ft. ³	40.4 sq. ft.
Maximum # of free-standing signs permitted	2 (one on each street frontage)	1	1
Max. Height Above Ground	16 ft.	9.8 ft.	11.33 ft.
Max. Height of Sign	10 ft.	5.5 ft.	6.13 ft.
Max. Width of Sign	10 ft.	7.16 ft.	7.16 ft.

As shown in the table above, the existing and proposed free-standing sign exceeds the 20 sq. ft. maximum permitted (by-right) area for a free-standing sign for a religious use within a residential zoning district. In addition, the existing and the proposed free-standing sign exceed the 35 sq. ft. maximum size limit for such signs, granted through a special permit, as established in Section 30-20(1). The petitioner is requesting a special permit, through Section 30-20(1) to exceed the 20 sq. (by right) limitation and a special permit through Section 30-20(b), to allow for an extension/alteration to the existing, legal non-conforming sign, to allow for the sign to be increased an additional 2± sq. ft. in area, where the existing sign already exceeds the 35 sq. ft. maximum allowed through special permit.

The Planning Department notes that although the size exceeds the maximum area permitted in the ordinance, the proposed sign is only marginally larger than the existing sign, and serves to identify the site for eight different congregations. Further, based on the ordinance requirements, because the property has two frontage, the petitioner actually could install two separate free-standing signs by-right, one on Church Street and one on Center Street, at up to 20 sq. ft. for each such sign, and up to 35 sq. ft. for each by special permit. The proposed sign, which is sited at the corner of the lot, should serve to identify the site from both streets, and is actually comparable in overall area (40.4 sq. ft.), to the area of two 20 sq. ft. free-standings signs, which would be permitted by-right.

¹Per Section 30-20(e)(3), churches, schools, and other institutional uses are permitted two signs for identification, one of which may not exceed 20 sq. ft. and one which may not exceed 10 sq. ft., *on each street frontage*.

² Section 30-20(1) permits the Board of Aldermen to grant special permits to allow standing signs and exceptions to the limitations established in 30-20 on the number, size, and location of signs, however, the ordinance caps the maximum permitted size for free-standing signs, by special permit, to 35 sq. ft.

³ The existing sign was permitted, by right, in 1959; as such, the existing sign is legal, conforming with respect to size.

B. Technical Considerations, Sec.30-23) — Secondary Wall Sign

The following table compares the proposed secondary wall sign with the Sign Ordinance requirements:

Wall Sign	Ordinance	Existing	Proposed
Maximum Permitted Sign Area (on each Street Frontage): By Right [Sec. 30-20(e)(3)] By Special Permit [Sec. 30-20(1)]	20 sq. ft. N/A	<i>23 sq. ft.</i>	<i>23 sq. ft.</i>
Maximum # of walls signs permitted	2 (one on each street frontage)	1	1

The proposed secondary sign exceeds the City's sign regulations (maximum area of 10 sq. ft.) for a religious use in a Multi-Residence 1 District. The petitioner is seeking a special permit to exceed that size limitation in order to replace the existing 23 sq. ft. sign with new 23 sq. ft. sign, in the same location.

Because this site has frontage on two streets, the petitioner could install two walls sign, one on each street frontage, at up 10 sq. ft. each, by right. The existing and proposed replacement sign, at 23 sq. ft., is only marginally larger than the total sign area that could be installed by-right. Further, the Planning Department notes that both the existing and proposed signs have been designed, to follow the arched treatment at the entry way. A smaller sign might detract from this architectural feature.

C. Relevant Site Plan Approval Criteria, Sec.30-23**1. Convenience and safety of vehicular and pedestrian movement within the site.**

The proposed free-standing sign is replacing an existing sign, which is located on a landscaped island adjacent to the existing parking area. The sign is set back from both Center Street and Church Street, and, as such, should have no adverse impacts on vehicular and pedestrian movement to or within the site.

Given the size and location of the free-standing sign on Center Street, it should actually help passing motorists identify the site, in a timely manner. The wall mounted sign should help pedestrians identify the main entry way into the structure.

2. Screening of parking areas and structures.

The site includes existing landscaping that appears to be more than adequate to screen the based of the free-standing sign. The landscaping is well-maintained and hedge adjacent to the existing sign is kept at a height such that the sign is still visible from the public way.

3. Consideration of site design, including the location and configuration of structure and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines

The proposed signs have been revised to meet the recommendations of the Urban Design and Beautification Commission, which specifically requested darkened backgrounds for both signs, controlling the lighting of the free-standing sign, and providing identification with more historically compatible signage.

4. Avoidance of the removal or disruption of historic resources on or off-site

Although the proposed signs are not required to be reviewed by the Newton Historical Commission, the Urban Design and Beautification Commission's review considered the signs within the historic context of the church and site.

D. Relevant Special Permit Criteria, Sec.30-24

1. The specific site is an appropriate location for such use/structure.

The proposed free-standing sign is replacing a slightly smaller sign that was installed in 1959. It appears to be an appropriate location to identify the different congregations, while maintaining the residential character of the neighborhood and without causing a traffic hazard.

2. The use as developed and operated will not adversely affect the neighborhood.

The proposed signs should not have any adverse impacts on adjacent properties in terms of visibility, accessibility, or safety, and should not appear out of character with the residential streetscape.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

The free-standing sign is located 9.9 feet back from Centre Street and 20 feet back from Church Street and poses no hazard to vehicles or pedestrians.

E. Section 30-21(b) — Extension/Alteration of a Non-Conforming Structure

The existing free-standing sign and the proposed free-standing sign are non conforming with regard to size. The petitioner is proposing to increase the nonconformity by enlarging the sign by 2 square feet, in order to clearly identify 8 separate congregations on the site. The proposed free-standing sign should not be substantially more detrimental than the existing sign because, as designed, the coloring and lighting should not appear to visually overwhelm the site.

The wall sign is designed to be the same size as the existing wall sign, and should not appear to be out of scale with the church building.

VI. SUMMARY

The petitioner is seeking approval to replace an existing 38.4 sq. ft. free-standing sign installed in 1959 with a 40.4 sq. ft., illuminated free-standing sign at 187 Church Street. The petitioner is also proposing to replace an existing 23 sq. ft. wall sign with a new non-illuminated, 23 sq. ft. wall sign.

The subject property is improved with an historic church, designed by H.H. Richardson circa 1885, and a 25 stall parking lot constructed in 1991. The church now contains eight multi-denominational congregations. The new free-standing sign will identify the site as the "Newton Corner Worship Center" and will list the eight congregations who share the use of this structure. The wall sign helps to identify the entrance to the church.

Although both signs exceed the maximum area limitations established by the City's sign regulations, because the site has frontage on two streets, the petitioner could install two free-standing signs and two wall signs by-right, which would not be desirable.

Given its location of the church on Center Street, the size of the site and existing structure, and the need to identify eight different congregations, the size and location of the proposed free-standing and wall signs appear to be appropriate. The proposed signs will allow identification of each congregation, but should not negatively impact the historic site or the surrounding neighborhood.


ATTACHMENTS

ATTACHMENT A: ZONING REVIEW MEMORANDUM, AUGUST 8, 2006

Zoning Review Memorandum

Dt: August 8, 2006

To: Carla Bertonazzi, representing Hellenic Gospel Church

Fr: Juris Alksnitis, Chief Zoning Code Official 

Cc: Michael Kruse, Director of Planning and Development
John Lojek, Commissioner of Inspectional Services

**Re: Request for special permit for freestanding sign and exception to install
oversize secondary wall sign over doorway.**

Applicant: Hellenic Gospel Church

Site: 187 Church St.
Zoning: MR-1

SBL: Section 12, Block 13, Lot 14
Lot Area: 26,875 sq. ft.

Current use: Church

Prop. use: Church

Background:

The church building, designed by H. H. Richardson, was built in 1885 and is listed as located within the Farlow & Kenricks Parks National Historic District. The existing freestanding sign was authorized by Building Permit #705 Ser.#174, April 23, 1959, predating the Sign Ordinance. In addition, while a wall sign over the main doors also exists, files contain no records pertaining to this sign. The applicant seeks to install updated signs reflecting the current multi-congregation use of this church facility. The proposed freestanding sign is marginally larger than the existing sign and the wall sign exceeds the 10 sq. ft. limit for a second institutional sign in a residential zone. The proposed freestanding sign along with the oversize secondary wall sign require an exception pursuant to Section 30-20(1) and special permit from the Board of Aldermen. The applicant has consulted with the Urban Design and Beautification Commission on several occasions, and Commission comments are summarized below.

Summary of Urban Design and Beautification Commission Comments

The Commission supports the current sign plans for the freestanding sign and wall sign. Plans as submitted incorporate Commission suggestions as to scale, readability, and unobtrusive lighting, and accommodate the need for identification of place as well as of each of the multiple congregations worshipping at this church facility. The Commission noted that the somewhat larger freestanding sign and replacement wall sign were appropriate, but would necessitate approval by the Board of Aldermen consistent with Section 30-20(e)(3) and 30-20(1).

Administrative determinations

1. The existing freestanding sign erected in 1959 is a valid non-conforming sign exceeding the current 20 sq. ft. limit for institutional signs identifying a church located in a residential district. It is noted that there are currently 8 congregations co-located at this church, each needing identification. The proposed sign accommodates this requirement while increasing in size from approximately 38.4 sq. ft. to 40.40 sq. ft. in area and while maintaining nearly the same scale. The location of the sign is proposed approximately in the same place as the current freestanding sign within a corner of the lawn, maintaining visibility above the perimeter hedge. The proposed sign may be considered as extension of a non-conforming structure pursuant to *Section 30-21(b)*, subject to approval of the Board of Aldermen.
2. *Section 30-20(e)(3)* allows an institutional freestanding sign of up to 20 sq.ft. per frontage without special permit. In this case, the applicant requests a larger sign for the reasons discussed in 1. above. The proposed sign requires approval from the Board of Aldermen pursuant to *Section 30-20(1) Exceptions*.
3. *Section 30-20(e)(3)* allows a religious institution to have a second sign of up to 10 sq. ft. per frontage without special permit. In this case, the applicant seeks to update an existing non-permitted semi-circular wall sign located within the portal above the main doors while maintaining the same size. The area of the existing sign is 23 sq. ft., which exceeds the 10 sq. ft. limit. As a result the applicant seeks to legalize the subject sign and needs approval from the Board of Aldermen for the proposed updated wall sign having the same size as the existing wall sign, pursuant to *Section 30-20(1), Exceptions*.
4. The proposed new signs meet the illumination requirements of Section 30-20(i)(1)-(3). It is also noted that signs need to comply with Section 30-20(i)(4) which states that signs may not be illuminated during the hours of 11:00 pm to 7:00 am, unless an exception is petitioned and obtained from the Board of Aldermen pursuant to Section 30-20(1) and 30-24(d), special permit.
5. The subject building is listed on the National Register within the Farlow & Kenricks Parks National Historic District. The Preservation Planner has advised that no historical review is triggered by the sign petition.
6. Zoning review provided hereby is limited to aspects pertaining to the Sign Ordinance only. See "Zoning Relief Summary" below.

<i>Ordinance</i>		<i>Zoning Relief Summary</i>	<i>Action Required</i>
		structure	
30-21(b)	Approval of extension of non-conforming sign (structure) for a larger freestanding church sign having area of 40.40 sq. ft.		
	Free Standin^g		
30-20(e)(3) 30-20 I)	Approval of freestanding sign identifying a religious institution located in an MR-1 zone to exceed 20 sq. ft. limit and having area of 40.40 sq. ft.		X

Zoning Relief Summary (Cont.)		
Ordinance		Action Required
	Wall Sign	
30-20(e)(3) 30-20(l)	Approval of one wall sign identifying a religious institution located in an MR-1 zone to exceed 10 sq. ft. limit and having area of 23 sq. ft.	X
	Site	
30-23	Approval of site plan identifying all sign locations.	X
30-23	Approval of elevation plan pertaining to placement of sign band for wall sign.	X
	Special Permit	
30-24 d)	Approval of applicable exceptions and special permits.	X

Reference materials

Building Permit #705 Ser. #174, April 23, 1959.

Plans reviewed:

- Plan set titled "Newton Corner Worship Center, 187 Church St., Newton Corner, MA 02458", dated 8/2/06, prepared by Ibrahim & Ibrahim, Consulting Engineers, 165 Friend St., Boston, MA 02458, stamped and signed by Sinote Ibrahim, Registered Professional Engineer, consisting of the following:
 - o Sheet 1 of 5 Site Plan
 - o Sheet 2 of 5 — Primary Sign Comparison
 - o Sheet 3 of 5 -- Primary Sign Views
 - o Sheet 4 of 5 Primary Sign Views
 - o Sheet 5 of 5 — Secondary Sign Comparison
- Sketch titled "Newton Corner Worship Center, Side View Installation Method — Wall Sign", undated, prepared by Gemini Signs, 128 South Bolton St., Marlboro, MA 01742.